



TULANE LAW SCHOOL

TULANE ENVIRONMENTAL LAW CLINIC

September 27, 2022

**VIA FOIA ONLINE**

U.S. Environmental Protection Agency

Re: Freedom of Information Act Fee Waiver Request

Dear FOIA Officer:

On behalf of Patricia Charles, Carolyn Peters, Raphael Sias, Ronald Carrier, Larry Allison, Karl Prater, McKeever Edwards, Stafford Frank, and Peggy Anthony (collectively, “Mossville Residents”), and in connection with the accompanying Freedom of Information Act request, we request a fee waiver as detailed by 40 CFR § 2.107(I). This request is in the public interest. It is likely to contribute significantly to public understanding of the operations or activities of the government, namely, EPA, and is not primarily in the commercial interest of the requesters. As outlined below, this request meets each of the six factors that EPA considers for fee waivers.

First, the subject of the request concerns “the operations or activities of the government.” 40 CFR § 2.107(I)(2)(i). The requested information concerns the findings of EPA, a governmental agency, as the result of any EPA inspection of Sasol Chemicals (USA) – Lake Charles Chemical Complex.

Second, the disclosure of the requested information is “likely to contribute” to the understanding of government operations or activities. 40 CFR § 2.107(I)(2)(ii). The information requested will shed light on the activities undertaken by the EPA, a governmental agency, to ensure facility compliance with emissions and safety requirements. The requested information will reveal how the EPA conducted any inspections of a regulated facility, in this case the Lake Charles Chemical Complex.

Third, the disclosure will contribute to the understanding “of a reasonably broad audience of persons interested in the subject.” 40 CFR § 2.107(I)(2)(iii). The information requested relates to the EPA’s review of facility compliance with safety precautions and emissions requirements of carcinogenic pollutants that will have long-term effects on the residents of Mossville and the surrounding Lake Charles area. While the requesters are only a few members of the broader public with an interest in this information, other residents of Mossville and the surrounding area, and likely many who reside near a facility that emits carcinogenic pollutants such as ethylene oxide, would be interested to learn the requested

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information. Indeed, EPA Region 6's community meeting conducted on August 5, 2021 to discuss ethylene oxide emissions from Sasol's Lake Charles Chemical Complex specifically reflect EPA's understanding that a reasonably broad audience is interested in information like that requested here. Following the EPA Administrator's Journey to Justice Tour, EPA Region 6 issued a Notice of Potential Violation and Opportunity to Confer (NOPVOC) Letter to Sasol Chemicals USA, LLC. Additionally, EPA announced a significant increase in inspections of industrial facilities in the Mossville area that present potentially elevated risks to the community. The requestors, other residents of Mossville and the surrounding area, and many who reside near the Lake Charles Chemical Complex would be interested to learn the findings of such an inspection at this facility. Further, on behalf of the requesters, the undersigned will post the EPA FOIA results on the Tulane Environmental Law Clinic page on the Tulane Law School website.

Fourth, the disclosure will contribute "significantly" to public understanding of government operations or activities. 40 CFR § 2.107(I)(2)(iv). The public's understanding of the EPA's inspection of Sasol's Lake Charles Chemical Complex and its compliance with emissions requirements will be significantly enhanced by disclosure of the requested information. Currently, there is very little, if any, information available to the public detailing whether the EPA has conducted any facility inspection of Sasol since the EPA announced a significant increase in inspections of industrial facilities in the Mossville area. Disclosure of the requested information would provide significantly more insight into EPA's oversight process than the information currently accessible by the requesters.

Fifth, the Mossville Residents have no commercial interest in the requested information. 40 CFR § 2.107(I)(3)(i). The Mossville Residents merely seek to gather information that affects their health and environment.

Sixth, as the Mossville Residents have no commercial interest in the requested information, and as the public interest standard has been satisfied, the "public interest is greater in magnitude than that of any identified commercial interest in disclosure." 40 CFR § 2.107(I)(3)(ii).

For the foregoing reasons, we respectfully request a fee waiver for the accompanying Freedom of Information Act request

Thank you.

Prepared by:

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